

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LISA SMITH, et al.,

Plaintiff,

v.

APRIA HEALTHCARE LLC,

Defendant.

Case No.: 1:23-cv-01003-JPH-KMB

**PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, by Interim Class Counsel, pursuant to Federal Rule of Civil Procedure 23(e), respectfully move the Court to enter an order: (1) preliminarily approving the class action Settlement Agreement and Release (the "Settlement") that is attached as Exhibit A to the accompanying memorandum; (2) certifying the Settlement Class for settlement purposes; (3) approving the form of and manner of notice, including the opt-out and objection procedures, set forth in the Settlement; (4) approving the Claim Form and Claims process in the Settlement; (5) appointing Plaintiffs as Settlement Class Representatives; (6) appointing Lynn A. Toops of Cohen & Malad, LLP, and Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman PLLC as Class Counsel; and (7) appointing Kroll Settlement Administration, LLC, as the Settlement Administrator.

Defendant does not oppose the requested relief.

Plaintiff has submitted an accompanying memorandum in support, along with a Joint Declaration and proposed Preliminary Approval Order.

Dated: March 5, 2025

Respectfully submitted,

By: /s/Lynn A. Toops
Lynn A. Toops (No. 26386-49)
Amina A. Thomas (No. 34451-49)
COHENMALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, Indiana 46204
Phone: (317) 636-6481
ltoops@cohenmalad.com
athomas@cohenmalad.com

Gary M. Klinger
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Phone: 866-252-0878
gklinger@milberg.com

Plaintiffs' Interim Co-Lead Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 5, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/Lynn A. Toops
Lynn A. Toops